

Judge: The Honorable Karen A. Overstreet
Chapter 13
Hearing Date: July 15, 2009
Response Due: July 8, 2009
Location: US Courthouse, Seattle

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

IN RE:

GILBERT J. PLACENCIA & ABELLA M.
PLACENCIA,

Debtor(s).

Case No. 09-13286-KAO

Chapter 13

STIPULATION AND ORDER ON
MOTION FOR RELIEF FROM STAY
BY EQUITY RESIDENTIAL
PROPERTY MANAGEMENT CORP

STIPULATION

Gilbert J Placencia and Abella M Placencia ("Debtors") by and through their attorneys,
Christina Latta Henry and Seattle Debt Law, LLC, and Equity Residential Property Management
Corp ("Equity Residential") by and through their attorneys, Randall W. Redford, hereby stipulate as
follows:

1. In response to Equity Residential's Motion for Relief from Stay, the Debtors
tendered \$4,770.00 in certified funds to Equity Residential on or before July 15, 2009. The parties
to this agreement stipulate that Equity Residential may keep those funds and apply them to the post-
petition arrears owing to Equity Residential.

2. The Debtors and Equity Residential have also agreed to have the Chapter 13 Trustee disburse an immediate payment to Equity Residential in the amount of \$4,716.00 (two months rent) to cure additional post-petition rent owing to Equity Residential.

3. The balance of pre-petition and post-petition rent owing to Equity Residential will be paid through the Chapter 13 Plan at 100% to cure the remaining balance on the lease and the lease is assumed.

4. The on-going payments to Equity Residential will be paid through the Chapter 13 Plan for August 2009 going forward until the end of the lease.

5. The Debtors and Equity Residential stipulate to that the Chapter 13 Trustee should disburse, before confirmation, to Equity Residential, for post-petition payments notwithstanding any delay in entry of the order confirming Debtor's Chapter 13 Plan.

6. The Debtors must remain current on Chapter 13 Plan Payments from August 1, 2009.

7. If the Debtor does not remain current on Chapter 13 Plan Payments, Equity Residential may file for an ex-parte order for relief from stay upon five days written notice to Debtor's Counsel.

ORDER

THIS MATTER having come on for hearing upon the stipulation of the Debtors and the Equity Residential, and the Court having reviewed the stipulation filed by the parties, and the Chapter 13 Trustee, K. Michael Fitzgerald. The Court being fully advised, NOW THEREFORE IT IS HEREBY:

1 ORDERED that, upon entry of this order, the Chapter 13 Trustee shall make an immediate
2 disbursement of funds to Equity Residential in the amount of \$4,770.00 from proceeds on hand,
3 notwithstanding any delay in entry of an order confirming Debtor's Chapter 13 Plan.

4 IT IS FURTHER ORDERED that Equity Residential is allowed to keep the \$4,770.00 in
5 certified funds tendered by the Debtor to Equity Residential for post-petition arrears.

6 IT IS FURTHER ORDERED that the Debtor's Lease with Equity Residential is assumed
7 and that Equity Residential will file an amended proof of claim on or before July 31, 2009 for any
8 remaining unpaid pre-petition or post-petition amounts owing on the lease. Any remaining unpaid
9 portion will be paid in full at 100% through the Chapter 13 Plan.
10

11 IT IS FURTHER ORDERED that the Trustee is authorized to disburse funds on hand as
12 well as funds received in the future to Equity Residential for post-petition payments as provided in
13 the filed proof of claim.

14 IT IS FURTHER ORDERED that the Trustee is authorized to deduct from amounts
15 received the customary trustee's fee before disbursement to this or any other creditor.
16

17 IT IS FURTHER ORDERED that if the Debtors do not remain current on their Chapter 13
18 Plan from August 1, 2009 going forward, Equity Residential may file for an ex-parte order for relief
19 from stay upon five days written notice to Debtor's Counsel.
20

21 DATED THIS ____ day of July, 2009.

22 _____
The Honorable Karen A. Overstreet
23
24
25
26
27

1
2 Presented by:

3 /s/ Christina Latta Henry

4 Christina Latta Henry, WSBA# 31273

5 Attorney for Debtor

6 Approved as to form and content:

7 Notice of Presentation waived:

8 

9 Randall W. Redford, WSBA# 21529

10 Attorney for Equity Residential